

## Exhibit 1

### **Thomas W. Glass, PhD, CPA**

September 16, 2022

Mr. Robert Schmidt  
701 Brazos, Suite 900  
Austin, TX 78701

**Re: Evdokia Nikolova, PhD**

You have asked me to analyze the lost front pay compensation of your client Dr. Evdokia Nikolova resulting from alleged discrimination by the Defendant, the University of Texas - Austin. I previously issued reports in this matter and testified about Dr. Nikolova's losses in this matter. Since my previous reports and testimony, UT-Austin has apparently granted her tenure and commensurate compensation. In this report I am taking that into account. You have also asked me to assume that she was on leave (described below) due to the action of UT, and I take that into account in this report.

I am a Certified Public Accountant licensed to practice in Texas. I have practiced public accounting in Austin since 1969. I have been engaged on numerous occasions to analyze economic damages. I am a graduate of the University of Texas – Austin, with a BBA, MPA (Master in Professional Accountancy), MS - Economics, and a PhD in Economics. I have testified often in State and Federal courts and before arbitration panels. Attachment 1 is my resume. Attachment 2 is my case log that includes matters in which I have testified in the past five years. My billing rate in this matter is \$300.00 per hour.

I relied upon the following documents in arriving at my opinions:

- Plaintiff's First Amended Complaint
- P001912-1924 W-2 Forms
- Pages from Fifth Circuit Pattern Jury Instructions 2020 civil
- Plaintiff's Interrogatory Responses 01.29.21
- Sellers v. Delgado College\_ 902 F.2d 1189
- Email from you to me 4/6/2021 and 9/12/2022
- Plaintiff's Advisory to the Court Regarding Plaintiff's Motion for Judgment and Front Pay
- Excel Files:
  - 19-20 ECE FAC Merit FINAL
  - 20-21 ECE FAC Merit Final
  - UT Austin\_0007784 total comp history 1999-00 through 2018-19
  - UT Austin\_0007981 Salary Info through 2019
  - UT Austin\_0007422 Salary Info Other Top Schools

In computing Dr. Nikolova's lost front pay compensation, I have taken these steps:

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1. I understand that Dr. Nikolova has been awarded tenure effective September 1, 2022, with an annual salary of \$132,000.
2. I have been asked to assume that a similarly situated colleague who was granted tenure as of 9/1/2019 was paid \$130,500 after the promotion, which I assume is the rate at which Dr. Nikolova would have been paid had she been granted tenure. I understand that there were no raises for faculty for the 2020-21 academic year, and I adopted the defense expert's assumption of annual increases of 4.86% thereafter.
3. I have been asked to assume that because of the defendant's actions, Dr. Nikolova has been on leave since before the trial, and will resume work on September 1, 2023 at an annual rate of \$132,000. Therefore I have used zero salary for mitigation during that leave.
4. A woman of Dr. Nikolova's age and education could be expected to be in the labor force for 25.1 years,<sup>1</sup> or through her age 65.6 (I have rounded her worklife expectancy dates to the nearest semester-end date). Alternatively, I have computed losses through her age 70, her desired age of retirement.
5. I have assumed University of Texas contributions to her retirement account of 8.0%.<sup>2</sup>
6. I have discounted future damages after 9/16/2022 using yields on U.S. Treasury obligations maturing in each of the future years.<sup>3</sup>

Using these facts and assumptions, I have computed the present value of Dr. Nikolova's front pay losses from the trial date through an assumed retirement at age 65.6 total **\$665,434**. Assuming retirement at age 70, her losses are **\$767,070**. Dr. Nikolova's lost compensation since the trial date resulting from her leave described at 3 above was **\$219,768**, which is included in the total losses of **\$665,434** and **\$767,070**.

My detailed calculations appear at Attachment 3.

### **Alternative Calculation of Losses Assuming a 12 Month Compensation Rate**

The above calculations are based on UT's salary scales, which are for a 9-month salary. I have been asked to assume that Law School Faculty typically have alternative sources of compensation for the summer months, and that the alternative compensation is sufficient to equal the monthly salary earned during the school year. I have recomputed Dr. Nikolova's losses assuming that her salary and her comparator's salary shown above were for a full 12-month period. Specifically, I have assumed the comparator's total compensation after his

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<sup>1</sup> Skoog, Ciecka and Krueger. *The Markov Process Model of Labor Force Activity*, Journal of Forensic Economics, August 2011, Table 30.

<sup>2</sup> The University of Texas at Austin, Human Resources, Teacher Retirement System of Texas. <https://hr.utexas.edu/current/retirement/teacher-retirement-system>. The rate prior to 9/1/2022 was 7.75%.

<sup>3</sup> Wall Street Journal, September 13, 2022. [http://online.wsj.com/mdc/public/page/2\\_3020-treasury.html?mod=mdc\\_bnd\\_pglnk](http://online.wsj.com/mdc/public/page/2_3020-treasury.html?mod=mdc_bnd_pglnk)

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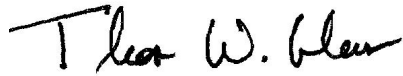
promotion in 2019 was 12/9 of \$130,500, or \$174,000. Dr. Nikolova's total compensation after she was granted tenure in 2022 was 12/9 of \$132,000 or \$176,000. I base her loss of pension contribution only on the UT component of her compensation.

Using these alternative assumptions, I have computed the present value of Dr. Nikolova's front pay losses from the trial date through an assumed retirement at age 65.6 total **\$870,915**. Assuming retirement at age 70, her losses are **\$1,003,921**. Dr. Nikolova's lost compensation since the trial date resulting from her leave described at 3 above was **\$287,698**, which is included in the total losses of **\$870,915** and **\$1,003,921**.

My detailed calculations appear at Attachment 4.

All my opinions are based on reasonable economic probability. I reserve the right to amend my report based on additional facts that may be uncovered in the discovery process.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas W. Glass". The signature is fluid and cursive, with the first name "Thomas" and last name "Glass" clearly legible.

THOMAS W. GLASS, PHD, CPA

**THOMAS W. GLASS**

**EDUCATION:**

Ph.D. - Economics - 1999 – The University of Texas at Austin

M.S. - Economics - 1995 – The University of Texas at Austin

M.P.A. - Master in Professional Accounting - 1967 – The University of Texas at Austin

B.B.A. - Engineering Route to Business Administration - 1964 – The University of Texas at Austin

**PROFESSIONAL CERTIFICATIONS AND ORGANIZATIONS:**

1967 Certified Public Accountant – Texas

Member: American Institute of Certified Public Accountants

Texas Society of Certified Public Accountants

National Association of Forensic Economists

**PROFESSIONAL EXPERIENCE:**

2022- *Self-Employed*

2019 through 2021 *Briggs & Veselka Co.*

1969 through 2018 *Glass & Company, CPAs, Austin, Texas*

Senior Consultant. Founder and managing partner through 1992. Performed auditing, accounting, tax compliance and tax planning services. Prepared and presented seminars on accounting and tax-related subjects.

Participate as an expert witness in State and Federal courts on matters of business damages and lost profits, business valuations, loss of personal earnings, lender liability, partnership disputes, accountant and attorney professional liability, separate and community property issues, bankruptcy claims, and usury claims.

1967 - 1969 *United States Army, Washington, D.C.*

Contracting Officer Representative (First Lieutenant). Supervised Control Data Corporation in the development of a data base management system for the officer personnel system.

1966 - 1967 *Arthur Young & Co., Dallas, Texas*

Staff Accountant. Participated in audits of small businesses and Fortune 500 Companies.

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**Thomas W. Glass**  
**Expert Witness Testimony**

<b>Expert Witness Engagements of Thomas W. Glass in Which he has Testified in last 4 Years</b>								
<b>Year Initially Engaged</b>	<b>Style of Case</b>	<b>Jurisdiction</b>	<b>Cause No.</b>	<b>Testimony Given</b>	<b>Attorney</b>	<b>Defendant or Plaintiff</b>	<b>Nature of Engagement</b>	<b>Date of Deposition or Trial</b>
2015	Michael O'Brien vs City of Austin	345th Judicial District of Travis County, Texas	D-1-GN-14-004675	Report and Deposition	Lance Sharp	Plaintiff	Lost Compensation - Personal Injury	2/28/2017
2016	Jeffery B. Daniels v. Texas Department of Transportation	United States District Court for the Eastern District of Texas, Sherman Division	4:15-CV-702	Report, Deposition and Trial Testimony	Robert Notzon	Plaintiff	Lost Compensation - Race Discrimination	1/11/2017
2016	Raymond Gonzales vs Gualberto Revera, Voyager Pipeline Construction, LLC et al	218th Judicial District of Atacosa County, Texas	14-08-0714-CVA	Report and Deposition	Stacy Vancil	Defendant	Personal Injury - Lost Compensation	5/9/2017
2016	Larry Jones v. Texas Department of Criminal Justice	United States District Court Southern District of Texas Houston Division	4:16cv2232	Report and Trial Testimony	Robert Notzon	Plaintiff	Lost Compensation - Race Discrimination	2/14/2018
2018	Steve Manley v. Daci Kay Witt	County Court at Law No. 2, Travis County, Texas	C-1-CV-16-0069992	Report and Deposition	Chris Cagle and Brad Russell	Plaintiff	Personal Injury - Lost Compensation	2/22/2018
2018	Anthony Chapple v Texas Health and Human Services Commission	United States District Court Western District of Texas Austin Division	1:17cv410-SS	Report and Deposition	Robert Notzon	Plaintiff	Discrimination - lost compensation	4/10/2018
2017	Karen Pagani PhD v. The University of Texas at Austin	United States District Court Western District of Texas	A:15-CV-1149-LY	Report and Trial Testimony	Christopher McKinney	Plaintiff	Personal Injury - Wrongful Termination	5/1/2018
2017	Stockade Companies, LLC and Stockade Franchising LP v. Kelly Restaurant Group LLC and Kelly Investment Group, LLC and Michael Kelly	American Arbitration Association		Report and Arbitration Testimony	Peter Silverman	Plaintiff	Contract Dispute Lost Profits	6/1/2018
2017	John Moon, Jr. vs Jose Santamaria and USAA Casualty Insurance Company	284th Judicial District of Montgomery County, Texas	16-09-10703	Report and Deposition	Patrick Scott	Plaintiff	Personal Injury - Lost compensation	6/14/2018
2017	Billy Ray McCrary vs. Danielle Hair	County Court of Law No. 1 of Travis County, Texas		Report and Trial Testimony	Rick King	Defendant	Personal Injury - Lost compensation	11/6/2019
2018	April Sharaf fka April Sanders v. Liberty Mutual Group, Inc and Michael Todd West	368th Judicial District Court of Williamson County, Texas	17-0474-C368	Report and Deposition	John Carlson and Randy Howry	Plaintiff	Lost Compensation - Wrongful Termination	9/18/2018
2018	Gabriel Sanchez v. City of San Antonio and Through its Agent, City Public Service Board of San Antonio	United States District Court Western District of Texas San Antonio Division	5:18-CV-00184	Report and Deposition	Alex Katzman	Plaintiff	Wrongful termination: lost compensation	1/28/2019
2018	Josie Chavez v Hearne Independent School District	United States District Court Western District of Texas Waco Division	6:17-cv-148	Report, Deposition, and Trial Testimony	Robert Schmidt	Plaintiff	Lost Compensation - Age Discrimination	1/29/2019
2019	Michelle Sorber et al v. Security Walls, LLC	United States District Court Western District of Texas Austin Division		Report and Deposition	Elaine Edwards and Matt Bachop	Plaintiff	Lost Compensation - Age Discrimination	11/19/2019
2019	Rita Farias and Richard Farias v. North Cypress Medical Center et al, Mimi Phan, MD, Noe Zamora, Jr., MD and Clifford Kitten, MD	11th Judicial District of Harris County Texas	2018 '89566	Report and Deposition	Benjamin Landgraf	Plaintiff	Personal Injury - Lost Compensation and Life Care Plan - Present Value	11/21/2019
2018	Rene Shipman Hammett, Individually and as representative of the Beneficiaries under the Wrongful Death Statute for David Neal Hammett vs Union Pacific Railroad Company and Rodolfo Enrique Cazares	113th Judicial District of Harris County, Texas	201856692	Report and Deposition	Ernest "Bo" Hopmann	Plaintiff	Lost Compensation and Loss of Household Services - Wrongful Death	2/27/2020
2020	Jacquelin Lapping, MD v Scott & White Clinic	American Arbitration Association	01-18-0002-1978	Report and Deposition	Emily Frost	Plaintiff	Lost Compensation - Gender Discrimination	8/27/2020
2020	Shawn and Stephanie Biodrowski and Kaitlyn Biodrowski	234th Judicial District of Harris County Texas	2019-74225	Report and Deposition	Ken Kraatz	Plaintiff	Personal Injury - Life Care Plan	12/15/2020
2019	Kamelia Dianati v Baton Holding, LLC f/k/a Bankrate, Inc. and Samuel Bagot	345th Judicial District of Travis County, Texas	D-1-GN-19-001710	Report and Deposition	Greg Jordan	Plaintiff	Lost Compensation - Gender and National Origin Discrimination	12/17/2020
2020	Monica Garcia et al and David I Ramirez, Jr. vs. Berry GP, Inc. and James Acosta	County Court at Law Number Four, Nueces County, Texas	2019-CCV-60851-4	Report and Deposition	Jesus Garcia	Plaintiff	Lost Compensation, Personal Injury	12/23/2020
2020	Corinne Weisgerber v. St. Edward's University	419th Judicial District of Travis County, Texas	D-1-GN-001294	Report and Deposition	Michael Shaunessy and Mike Kabat	Defendant	Wrongful Termination - Breach of Contract	1/19/2021
2020	Shannan Butler v. St. Edward's University	459th Judicial District of Travis County, Texas	D-1-GN-001297	Report and Deposition	Michael Shaunessy and Mike Kabat	Defendant	Wrongful Termination - Breach of Contract	1/19/2021
2020	Tina Sheesley et al and Garret Weatherford et al v. JRD, LLC and Pedernales Electric Cooperative	424th Judicial District of Burnet County, Texas	50774	Report and Deposition	Tommy Gillaspie	Defense	Wrongful Death - Lost Compensation	3/23/2021
2021	Pamela Love v. University of Saint Thomas	United States District Court Southern District of Texas Houston Division	20-cv-176	Report and Deposition	Nitin Sud	Plaintiff	Lost Compensation - Race Discrimination	4/28/2021
2020	Rebekah Rees v. Hemang K Pandya, MD	14th Judicial District of Dallas County Texas	DC-019-00248	Report and Deposition	Eliot Shavin	Plaintiff	Lost Compensation - Medical Malpractice	5/4/2021
2021	Linda Susan Mullenix v University of Texas at Austin	United States District Court Western District of Texas Austin Division	1:19-cv-1203-LY	Report and Deposition	Colin Walsh/Jairo Castellanos	Plaintiff	Lost Compensation - Sex Discrimination and Retaliation	6/30/2021
2021	Evdokia Nikolova v University of Texas at Austin	United States District Court Western District of Texas Austin Division	1:19-cv-00877-RP	Report and Deposition	Robert Schmidt	Plaintiff	Failure to promote; unequal pay	6/23/2021
2021	Linda Susan Mullenix v University of Texas at Austin	United States District Court Western District of Texas Austin Division	1:19-cv-1203-LY	Report and Deposition	Colin Walsh/Jairo Castellanos	Plaintiff	Lost Compensation - Sex Discrimination and Retaliation	6/30/2021
2021	Joshua Mattingly v. Scott Robertson, M.D. et al	_____ Judicial District of Webb County, Texas	2020CVB0012 07D3	Report and Deposition	Ryan Krebs	Plaintiff	Lost Compensation and Present Value of Life Care Plan - Medical Malpractice	9/6/2022
2021	Veronica Vega v Gregory McCollum and Rockin Q Construction, LLC	22nd Judicial District of Hays County, Texas	18-2880	Report and Deposition	Joe Lopez	Plaintiff	Personal Injury - Life Care Plan	9/7/2022

**Evdokia Nikolova****Front Pay Losses**

Date of Birth		1/24/1979
Date of Tenure Denial		9/1/2019
Salary if Granted Tenure	9/1/2019	130,500
Trial Date		3/11/2022
Discount Date		9/16/2022
Employer Contribution to Retirement	Beginning 9/1/2022	8.0% (7.75% until 9/1/2022)

Worklife Expectancy to age	65.6	8/31/2044
Worklife Expectancy to age	70	12/31/2048

Year Beginning	Year Ended	Expected Increase	If Tenured 9/1/2019	Actual Tenure 9/1/2022
9/1/2019	8/31/2020		130,500	
9/1/2020	8/31/2021	0.00%	130,500	
9/1/2021	8/31/2022	4.86%	136,842	
9/1/2022	8/31/2023	4.86%	143,493	132,000
9/1/2023	8/31/2024	4.86%	150,467	132,000

Losses								
Year Ended	Expected Growth	If Tenured 9/1/2019	Actual Salary	Loss	Retirement Contribution	Total Loss	Discount Rate	Present Value
8/31/2022		64,909	-	(64,909)	(4,868)	(69,777)		(69,777)
8/31/2023	4.86%	143,493	-	(143,493)	(11,479)	(154,972)	3.43%	(149,992)
8/31/2024	4.86%	150,467	132,000	(18,467)	(1,477)	(19,944)	3.63%	(18,591)
8/31/2025	4.86%	157,779	138,415	(19,364)	(1,549)	(20,913)	3.59%	(18,835)
8/31/2026	4.86%	165,447	145,142	(20,305)	(1,624)	(21,930)	3.61%	(19,050)
8/31/2027	4.86%	173,488	152,196	(21,292)	(1,703)	(22,995)	3.49%	(19,390)
8/31/2028	4.86%	181,920	159,593	(22,327)	(1,786)	(24,113)	3.49%	(19,645)
8/31/2029	4.86%	190,761	167,349	(23,412)	(1,873)	(25,285)	3.47%	(19,941)
8/31/2030	4.86%	200,032	175,482	(24,550)	(1,964)	(26,514)	3.38%	(20,344)
8/31/2031	4.86%	209,753	184,011	(25,743)	(2,059)	(27,802)	3.39%	(20,611)
8/31/2032	4.86%	219,947	192,954	(26,994)	(2,160)	(29,153)	3.36%	(20,967)
8/31/2033	4.86%	230,637	202,331	(28,306)	(2,264)	(30,570)	3.36%	(21,269)
8/31/2034	4.86%	241,846	212,164	(29,681)	(2,375)	(32,056)	3.36%	(21,578)
8/31/2035	4.86%	253,600	222,476	(31,124)	(2,490)	(33,614)	3.36%	(21,891)
8/31/2036	4.86%	265,924	233,288	(32,637)	(2,611)	(35,248)	3.30%	(22,399)
8/31/2037	4.86%	278,848	244,626	(34,223)	(2,738)	(36,961)	3.35%	(22,568)
8/31/2038	4.86%	292,400	256,514	(35,886)	(2,871)	(38,757)	3.41%	(22,698)
8/31/2039	4.86%	306,611	268,981	(37,630)	(3,010)	(40,640)	3.50%	(22,669)
8/31/2040	4.86%	321,512	282,054	(39,459)	(3,157)	(42,616)	3.52%	(22,884)
8/31/2041	4.86%	337,138	295,761	(41,377)	(3,310)	(44,687)	3.60%	(22,858)
8/31/2042	4.86%	353,523	310,135	(43,387)	(3,471)	(46,858)	3.76%	(22,435)
8/31/2043	4.86%	370,704	325,208	(45,496)	(3,640)	(49,136)	3.82%	(22,392)
8/31/2044	4.86%	388,720	341,013	(47,707)	(3,817)	(51,524)	3.81%	(22,650)
Future Loss to age 65.6		5,499,460	4,641,693	(857,767)	(68,297)	(926,064)		(665,434)

**Evdokia Nikolova****Front Pay Losses**

<b>Losses</b>								
<b>Year Ended</b>	<b>Expected Growth</b>	<b>If Tenured 9/1/2019</b>	<b>Actual Salary</b>	<b>Loss</b>	<b>Retirement Contribution</b>	<b>Total Loss</b>	<b>Discount Rate</b>	<b>Present Value</b>
8/31/2045	4.86%	407,612	357,586	(50,026)	(4,002)	(54,028)	3.84%	(22,716)
8/31/2046	4.86%	427,422	374,965	(52,457)	(4,197)	(56,654)	3.83%	(23,002)
8/31/2047	4.86%	448,195	393,188	(55,006)	(4,401)	(59,407)	3.79%	(23,461)
8/31/2048	4.86%	469,977	412,297	(57,680)	(4,614)	(62,294)	3.73%	(24,080)
12/31/2048	4.86%	164,610	144,408	(20,202)	(1,616)	(21,819)	3.66%	(8,378)
Future Loss to age 70		7,417,276	6,324,137	(1,093,138)	(87,127)	(1,180,265)		(767,070)

**Front Pay Losses - 12 Month Salary**

Date of Birth	1/24/1979
Date of Tenure Denial	9/1/2019
Salary if Granted Tenure	9/1/2019 130,500
Trial Date	3/11/2022
Discount Date	9/16/2022
Employer Contribution to Retirement	Beginning 9/1/2022 8.0% (7.75% until 9/1/2022)
Worklife Expectancy to age	65.6 8/31/2044
Worklife Expectancy to age	70 12/31/2048

Year	Expected	If Tenured	12 Month if	Actual	12 Month
Beginning	Year Ended	Increase	9/1/2019	tenured	Actual Tenure
				9/1/2019	9/1/2022
9/1/2019	8/31/2020		130,500	174,000	
9/1/2020	8/31/2021	0.00%	130,500	174,000	
9/1/2021	8/31/2022	4.86%	136,842	182,456	
9/1/2022	8/31/2023	4.86%	143,493	191,324	132,000 176,000
9/1/2023	8/31/2024	4.86%	150,467	200,622	132,000 176,000

Losses								
Year Ended	Expected Growth	If Tenured 9/1/2019	Actual Salary	Loss	Retirement Contribution	Total Loss	Discount Rate	Present Value
8/31/2022		86,545	-	(86,545)	(4,868)	(91,413)		(91,413)
8/31/2023	4.86%	191,324	-	(191,324)	(11,479)	(202,803)	3.43%	(196,285)
8/31/2024	4.86%	200,622	176,000	(24,622)	(1,477)	(26,099)	3.63%	(24,329)
8/31/2025	4.86%	210,372	184,554	(25,819)	(1,549)	(27,368)	3.59%	(24,648)
8/31/2026	4.86%	220,596	193,523	(27,074)	(1,624)	(28,698)	3.61%	(24,930)
8/31/2027	4.86%	231,317	202,928	(28,389)	(1,703)	(30,093)	3.49%	(25,375)
8/31/2028	4.86%	242,559	212,790	(29,769)	(1,786)	(31,555)	3.49%	(25,708)
8/31/2029	4.86%	254,348	223,132	(31,216)	(1,873)	(33,089)	3.47%	(26,095)
8/31/2030	4.86%	266,709	233,976	(32,733)	(1,964)	(34,697)	3.38%	(26,624)
8/31/2031	4.86%	279,671	245,348	(34,324)	(2,059)	(36,383)	3.39%	(26,973)
8/31/2032	4.86%	293,263	257,271	(35,992)	(2,160)	(38,151)	3.36%	(27,438)
8/31/2033	4.86%	307,516	269,775	(37,741)	(2,264)	(40,006)	3.36%	(27,834)
8/31/2034	4.86%	322,461	282,886	(39,575)	(2,375)	(41,950)	3.36%	(28,238)
8/31/2035	4.86%	338,133	296,634	(41,499)	(2,490)	(43,989)	3.36%	(28,648)
8/31/2036	4.86%	354,566	311,051	(43,515)	(2,611)	(46,126)	3.30%	(29,312)
8/31/2037	4.86%	371,798	326,168	(45,630)	(2,738)	(48,368)	3.35%	(29,534)
8/31/2038	4.86%	389,867	342,019	(47,848)	(2,871)	(50,719)	3.41%	(29,704)
8/31/2039	4.86%	408,815	358,641	(50,173)	(3,010)	(53,184)	3.50%	(29,666)
8/31/2040	4.86%	428,683	376,071	(52,612)	(3,157)	(55,768)	3.52%	(29,947)
8/31/2041	4.86%	449,517	394,348	(55,169)	(3,310)	(58,479)	3.60%	(29,913)
8/31/2042	4.86%	471,364	413,514	(57,850)	(3,471)	(61,321)	3.76%	(29,359)
8/31/2043	4.86%	494,272	433,611	(60,661)	(3,640)	(64,301)	3.82%	(29,303)
8/31/2044	4.86%	518,294	454,684	(63,610)	(3,817)	(67,426)	3.81%	(29,641)
Future Loss to age 65.6		7,332,613	6,188,924	(1,143,689)	(68,297)	(1,211,986)		(870,915)

**Front Pay Losses - 12 Month Salary**

<b>Losses</b>								
<b>Year Ended</b>	<b>Expected Growth</b>	<b>If Tenured 9/1/2019</b>	<b>Actual Salary</b>	<b>Loss</b>	<b>Retirement Contribution</b>	<b>Total Loss</b>	<b>Discount Rate</b>	<b>Present Value</b>
8/31/2045	4.86%	543,483	476,782	(66,701)	(4,002)	(70,703)	3.84%	(29,727)
8/31/2046	4.86%	569,896	499,953	(69,943)	(4,197)	(74,139)	3.83%	(30,102)
8/31/2047	4.86%	597,593	524,251	(73,342)	(4,401)	(77,742)	3.79%	(30,702)
8/31/2048	4.86%	626,636	549,730	(76,906)	(4,614)	(81,521)	3.73%	(31,512)
12/31/2048	4.86%	219,480	192,543	(26,937)	(1,616)	(28,553)	3.66%	(10,964)
Future Loss to age 70		9,889,701	8,432,183	(1,457,518)	(87,127)	(1,544,644)		(1,003,921)

**Exhibit 2**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**EVDOKIA NIKOLOVA**  
**Plaintiff,**

**vs.**

**UNIVERSITY OF TEXAS AT AUSTIN**  
**Defendant.**

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**CASE NO. 1:19-cv-00877-RP**

**DECLARATION UNDER PENALTY OF PERJURY OF**  
**EVDOKIA NIKOLOVA**

I, Evdokia Nikolova, declare under penalty of perjury and state as follows:

1. My name is Evdokia Nikolova. I am of sound mind and capable of making this declaration. I am personally acquainted with the facts herein stated, which are true.

2. The University of Texas at Austin's denial of tenure to me, both the fact of it and the way in which UT went about devaluing and undercutting my contributions and reputation and personally rejecting me has had a devastating effect on me personally, on my career, and financially. I'll refer to the comprehensive impacts by referencing the cause as the "denial of tenure" to reflect the harm briefly described, above.

3. As I testified at trial, I have been treated by different medical professionals since the denial of tenure to try to overcome the intense depression that I experienced and continue to experience as a result of the discriminatory denial of tenure and the damage that has been caused to my career and lifelong dreams.

4. After the denial of tenure, I first attempted to fight and work as hard as I could to respond to the situation, including working on my research, publications, grants and teaching. Even as I was fighting and attempting to continue my academic endeavors, I fell into a deep depression because of the tenure denial and the negative impact it had on my career. The tenure

denial and the resulting depression greatly impacted my ability to work and my productivity declined. In the Spring of 2021, I was forced to take unpaid leave under the Family and Medical Leave Act because of the tenure denial and my depression. In the 2021-2022 school year, I requested a reasonable accommodation and was forced to take leave without pay and received no income for that year.

5. Although the trial and verdict of the jury was extremely important to me, I still remain severely depressed and unable to work because of UT Austin's discriminatory denial of tenure and the resulting damage that has been done to my career, dreams and aspirations. After the trial, I spoke with my psychologist about my ongoing depression as a result of UT's Austin's actions. Because of my ongoing depression caused by UT Austin's actions, I was forced to request an additional leave of absence without pay for the 2022-23 school year. UT Austin has agreed to my request. It is my understanding from my discussions with my medical provider that taking the 2022-23 year off on leave without pay is necessary and will help me heal from the severe depression I've experienced because of UT Austin's denial of tenure and discriminatory actions. Attached to this declaration is a letter written by my psychologist concerning my request for leave for the 2022-23 school year.

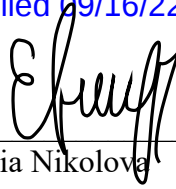
6. Being unable to work because of my depression caused by UT Austin's discriminatory denial of tenure has resulted in continuing economic damage including the loss of pay since the jury's verdict and that will continue at least for the 2022-23 school year.

7. Prior to the denial of tenure by UT Austin, every year I worked as a tenure-track professor (in my 5 years at UT Austin and 2.5 years at my previous employer Texas A&M University), I received summer salary equivalent to 3 months of pay at the same monthly rate as my 9-month academic salary. That amount was paid for by grants obtained by me. This is standard and expected by all tenured and tenure-track professors in my department and we all

supplement (and are expected to supplement) our salary over the summer in the same pro-rated monthly amount as we receive during the academic year. Professors are only allowed to receive summer salary up to the maximum that is their monthly prorated 9-month academic salary even if they have significantly higher grant funds available as was my case. This is important because if my 9-month base salary is lower than similarly positioned other professors, my total 12-month salary will be further reduced compared to such professors.

8. In addition to the salary that I have lost and will lose in the 2022-23 school year, my inability to work and the decline in productivity because of UT Austin's discriminatory tenure denial and my resulting depression will cause serious negative economic damage to me in the future. My research and publications have been essentially put on hold. Even when I am able to return to work it will take significant time (years) to restart my research, publish, obtain grants and regain the position in the academic community that I had before the denial of tenure—if it is possible at all. This will make it harder for me to obtain merit raises at UT Austin and will make it essentially impossible for me to obtain a job at another university for the foreseeable future; at least until I can get my research back up to the level it was prior to the denial of tenure. It is my understanding that none of these more difficult to quantify negative impacts on future income are accounted for in the more concrete economic damage estimate provided to the Court by the expert I have retained, Dr. Tom Glass, beyond Dr. Glass's accounting for the unpaid leave loss of salary for 2022-2023 academic year. Nonetheless, I believe it is important for the Court to understand the additional, serious and negative economic impact that UT Austin's actions will have on me in the future.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on 9 / 15 / 22.

A handwritten signature in black ink, appearing to read 'Evdokia', written over a horizontal line.

Evdokia Nikolova

## Richard Holt, Ph.D.

8400 N. Mopac, Suite 202  
Austin, Texas 78759  
512/236-0448

DATE: August 1, 2022

TO: The University of Texas at Austin  
ADA Coordinations

RE: **Americans with Disabilities Act**  
**Employee Accommodation Medical Certification Form**

Evdokia Nikolova, Ph.D. University EID: EN4762  
Assistant Professor  
Department of Electrical and Computer Engineering

ATTN: Stephanie Myers

The following information constitutes an update on the report released to your office last summer, dated 7/27/2021. The contents of that report should be included in your office's current evaluation.

**1. Diagnosis**

Major Depressive Disorder, Severe (DSM-V 296.23)  
w/anxious distress (moderate)

**2. Limitation of life activity**

Dr. Nikolova continues to suffer from loss of concentration, diminished capacity to make decisions, loss of energy and periodic impairment in ability to perform daily household & personal life tasks.

**3. Length of impairment**

I continue to believe that impairment is unlikely to be permanent. Given the nature of the ongoing depression, however, and the various environmental factors exacerbating her condition, impairment may be expected to last at least six additional months.

**4. Degree of limitation in workday**

There are little to no changes in Dr. Nikolova's capacity to execute her duties at the university. As stated previously her position necessitates the performance of complex, high-level intellectual activity and prolonged periods of focused concentration. It requires her to interact with others from a

position of trust in her own decision-making and competence, as well as to anticipate commensurate trust from peers, administrators, colleagues and students. Frequent or continuous limitations are likely to be present in the following areas:

- Concentrating
- Thinking
- Working
- Teaching
- Attend/Participate in Meetings
- Attention Span
- Analyzing

**5. Recommended Accommodations**

It is my recommendation that Dr. Nikolova continue her break from all work activities. I recommend at least six additional months.

**6. How Requested Accommodations will help individual perform essential job functions**

I continue to anticipate and hope that Dr. Nikolova may, in time, experience a full remission with a return to previous levels of functioning in all areas of performance.



Richard Holt PhD, Psychologist  
[dr.richardholt@gmail.com](mailto:dr.richardholt@gmail.com)  
Texas License # 25610

9/15/2022  
Date

## Exhibit 3

----- Forwarded message -----

From: **Evdokia Nikolova** <[eddie.nikolova@gmail.com](mailto:eddie.nikolova@gmail.com)>

Date: Friday, July 29, 2022

Subject: leave form

To: Diana Marculescu <[dianam@utexas.edu](mailto:dianam@utexas.edu)>

Cc: Eddie Nikolova <[eddie.nikolova@gmail.com](mailto:eddie.nikolova@gmail.com)>

Hi Diana,

Attached please find my leave request.

Like last summer, my therapist will be supplementing a disability letter in support of my leave request. Please let me know where he can send his letter.

Best wishes,

Eddie

--

Evdokia Nikolova

<http://users.ece.utexas.edu/~nikolova/>

--

Evdokia Nikolova

<http://users.ece.utexas.edu/~nikolova/>

--

Evdokia Nikolova

<http://users.ece.utexas.edu/~nikolova/>

The University of Texas at Austin  
FACULTY REQUEST FOR LEAVE

Superseding Request? ☐ Select Yes or No  
For instructions and definitions, see page two of this document.  
Submit completed form to [evpp-aps@utexas.edu](mailto:evpp-aps@utexas.edu).

Name: Evdokia Nikolova

UT EID: en4762

Job Profile: Assistant Professor

Dean's Office Staff Contact: \_\_\_\_\_

**1. Primary and Joint Faculty Positions (list all):**

College/School:	Department:	FTE (%):	Requesting leave from this position?	
<u>Cockrell School of Engir</u>	<u>Electrical &amp; Computer Engineering</u>	<u>100%</u>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Select College/School	_____	_____	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**2. Leave Request Information:**

First Leave Type (see page two for definitions): ☐ Leave - Academic ☐ Unpaid Time Off ☐ Release Time

SWH on Leave (to two decimals): \_\_\_\_\_ Begin Date: 9/1/2022 End Date: 5/31/2023

a. Leave Reason(s): ☐ Research, Scholarship, Creative Works ☐ Visiting Faculty ☐ Professional Activities ☒ Personal

b. Project title or subject: Reasonable Accommodation Request for serious personal medical condition

c. Description of activity: \_\_\_\_\_

d. Source(s) of leave stipend: \_\_\_\_\_

e. Where will the individual be working? \_\_\_\_\_

Second Leave Type (if applicable): ☐ Leave - Academic ☐ Unpaid Time Off ☐ Release Time

SWH on Leave (to two decimals): \_\_\_\_\_ Begin Date: \_\_\_\_\_ End Date: \_\_\_\_\_

a. Leave Reason(s): ☐ Research, Scholarship, Creative Works ☐ Visiting Faculty ☐ Professional Activities ☐ Personal

b. Project title or subject: \_\_\_\_\_

c. Description of activity: \_\_\_\_\_

d. Source(s) of leave stipend: \_\_\_\_\_

e. Where will the individual be working? \_\_\_\_\_

**3. Benefit to you, your program/department, and the University:**

Recovery from medical condition

**4. Length of Service and Previous Leave:**

a. Length of faculty service: since 1/1/2014

b. Previous Leave - Academic and RT in last five years: FML in Spring 2021; on leave since Sep. 1, 2021

**5. Teaching Arrangements, Other Activities, and Sponsored Research:**

a. Teaching arrangements: cancelled

b. Instructional and service-related activities that will remain: None

c. Does the Faculty Member have active Sponsored Research that requires time commitments? Yes

d. Does the Faculty Member have any open IRB, IAUCUC, or IBC protocols? Visit <https://research.utexas.edu/ors/> for more information. No

**6. Instructions for Supplement:**

Instructions for supplement: \_\_\_\_\_

**7. Year designation:** The dean must designate whether the year's leave counts as a year of service at UT Austin for any future Faculty Development Leaves and/or Faculty Development Awards. The determination should be based on whether the leave activities directly benefit the university.

Select Response

**Signatures**

Faculty Member\*:  Date: 7/15/22

Department Chair(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Director(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Dean(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

\*By signing, you acknowledge that while on work-related leave, you are expected to continue listing UT Austin as your primary affiliation on all published works.

**EXECUTIVE ACTION (for EVPP use only):**

☐ Approved

☐ Denied

\_\_\_\_\_  
Executive Vice President and Provost

\_\_\_\_\_  
Date

## FACULTY REQUEST FOR LEAVE FORM INSTRUCTIONS

**Line 1. Positions.** Include all primary and joint positions, even if from multiple colleges. List FTE as a percentage to two decimals (as found on the faculty member's summary page in Workday).

**Line 2. Leave Type.** Choose up to two types per form, if applicable. Additional forms may be submitted if necessary.

- **Leave - Academic** (previously known as Leave Without Pay):
  - unpaid, full-time leave for 30 days or longer in duration;
  - must be academic in nature (the faculty member is performing duties consistent with those of their position at the University--teaching, research, or service related);
  - **final approved by EVPP and processed by APS.**
- **Unpaid Time Off** is used when the leave meets **ANY** of the following conditions:
  - is less than 30 days in duration (or is intermittent);
  - is for partial days (less than full time);
  - is for personal reasons;
  - **final approved by EVPP and processed by APS.**
- **Release Time (RT):**
  - release from the instructional budget using funds administered through the university;
  - **final approved at the CSU dean's office and processed by the CSU using the Assign Costing Allocation process in Workday;**
  - **after approval, forward Release Time requests to APS as information copies only.**

Calculate Scheduled Weekly Hours (SWH) to two decimal places. These are the number of hours per week the faculty member will be on leave:

- If a faculty member has 40 SWH and will be on leave full time (100%), the value entered here should be 40.
- If a faculty member has 40 SWH and will be on leave two-thirds time (66.67%), the value entered here should be 26.67.

**Line 2a. Leave Reason. Check all boxes that apply. At least one box must be checked.**

- Research, Scholarship, Creative Works - examples: grant research, college research fellowship, writing a book, etc.
- Visiting Faculty - the faculty member is teaching at another university; this may or may not be part of a formalized Visiting Faculty Agreement.
- Professional Activities - example: serving as Director of XYZ Institute.
- Personal - do not include specific details on leave form.

**Line 2b. Project Title or Subject.** Provide the name or subject matter of project the faculty member will be involved with while on leave (if applicable).

**Line 2c. Description of Activity.** Provide a brief description of activities to be conducted during leave period. Example: conducting research related to work on book.

**Line 2d. Source of Leave Stipend.** Include sources of funding for the entirety of the leave broken down by percentage. Include account number(s), if known, for Release Time requests. If an external organization/institution is paying the faculty member directly then that organization's name should be noted. Personal Funds should be noted in cases where a faculty member's own funds are being used.

- Leave - Academic (100%): Guggenheim Foundation 75%, personal funds 25%
- RT (50%): National Science Foundation 25% (26-XXXX-XXXX), National Institutes of Health 25% (26-XXXX-XXXX)

**Line 2e. Work Location.** Include international and/or domestic location(s); do not use abbreviations.

**Line 3. Benefit of the leave.** Include a brief description of why the leave is a benefit to you, your program/department, and the University and how it will improve teaching and scholarship. Example: this research will bring prestige to the university and new ideas and concepts to the classroom.

**Line 4a. Length of Service.** Provide the number of years of faculty service at UT Austin.

**Line 4b. Previous Leave(s).** Include the dates for all Leave - Academic and RT leaves taken within the past five years.

**Line 5a. Teaching Arrangements.** List the class(es) that will not be taught and describe how each will be handled. Examples: class(es) will be canceled, taught in another semester, or taught by another faculty member (provide name).

**Line 5b. Instructional and Service-Related Activities.** Describe the instructional and service-related activities that the faculty member will still be responsible for during the leave period. Examples: supervision of graduate students, individual instruction courses, course development, advising, serving on budget councils and departmental committees. Indicate "None" if not applicable.

**Line 5c and 5d. Active Research and Protocols.** Both questions require a response.

**Line 6. Salary Supplement.** Individuals on leave without pay for personal reasons may not continue to receive their supplement during the period of leave. The dean's office should provide instructions for handling the supplement, if applicable.

**Line 7. Year designation.**

As part of the approval process for the faculty member's leave request, the dean must designate whether the year's leave without pay will count as a year of service at UT-Austin Faculty Development Leaves and/or Faculty Development Awards in future years. The determination will be based on whether the leave activities directly benefit the university.

**From:** [Evdokia Nikolova](#)  
**To:** [Marculescu, Diana](#)  
**Cc:** [Nikolova, Evdokia](#); [Nikolova, Evdokia](#); [Vasquez, Veronica V](#); [Armstrong, Melissa A](#)  
**Bcc:** [Robert Schmidt](#)  
**Subject:** Re: Checking in  
**Date:** Friday, July 15, 2022 4:23:55 AM

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Hi Diana,  
Will do, thank you for clarifying on the date.  
Regards,  
Eddie

On Friday, July 15, 2022, Marculescu, Diana <[dianam@utexas.edu](mailto:dianam@utexas.edu)> wrote:

Hi Eddie,

I thought I sent you the date by which we need this by, but can't find it in my Sent folder.  
Can you send this to us by end of July, at the latest?

Thanks a lot,  
Diana

**DIANA MARCULESCU**, Department Chair and Professor of [Electrical and Computer Engineering](#)  
**The University of Texas at Austin** | [512-471-6179](tel:512-471-6179) | [@dianamarculescu](mailto:@dianamarculescu) | [@UTexasECE](https://twitter.com/UTexasECE)

On Jul 12, 2022, at 6:38 PM, Marculescu, Diana <[dianam@utexas.edu](mailto:dianam@utexas.edu)> wrote:

Hi Eddie,

Here is the form: <https://utexas.app.box.com/s/z4bfvkanfmaqud6wli40dtjw4ret9or8>

Please fill it out and send it to us by return email.

Thanks,  
Diana

On 7/12/2022 10:22 AM, Evdokia Nikolova wrote:

Hi Diana,  
Yes, I plan on requesting leave. I did not receive a leave form, may I please have that?  
Thank you,  
Eddie

On Monday, July 11, 2022, Diana Marculescu  
<[dianam@utexas.edu](mailto:dianam@utexas.edu)> wrote:

Hi Eddie,

I hope you've been doing well. I'm not sure if you've submitted the leave form - if not, are you planning to request another year of personal leave?

Thanks,  
Diana

On 5/24/2022 9:38 PM, Diana Marculescu wrote:

Hi Eddie,

You can request another leave due to health reasons, either semester by semester, or for the entire year. Veronica can send you the form so we can process it.

Thanks,  
Diana

On 5/8/2022 11:48 AM, Evdokia Nikolova wrote:

Hi Diana,

Thanks for your email. I'm talking with my doctor/mental health provider about this and next steps. I'm afraid I will likely need to request another reasonable accommodation regarding not teaching/working next academic year. I will get back to you when I know more. Thanks and hope you are well also.

Eddie

--

Evdokia Nikolova  
<http://users.ece.utexas.edu/~nikolova/>

--

Evdokia Nikolova  
<http://users.ece.utexas.edu/~nikolova/>